

In re: Robert C. Hightower
Application No.: 10/602,899
Filed: June 24, 2003
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REMARKS

Applicant appreciates the thorough review of the present application that is reflected in the Office Actions mailed September 23, 2005, February 24, 2006 and June 1, 2006. Applicant also appreciates the allowance of Claims 28-29 and 31, and the indication that the subject matter of Claims 2, 4, 10, 17, 19-23 and 33 are in condition for allowance. Applicant has amended the claims in order to place the present application in condition for allowance, which is respectfully requested.

I. The Claim Amendments

Applicant has rewritten Claim 33 into independent form and amended Claims 6-9, 11-13, 15 and 34-35 to depend from Claim 33. Based on these amendments, previously rejected Claims 6-9, 11-13, 15 and 34-35 are all directed to subject matter that was indicated as allowable and are in condition for allowance. Applicant has also amended Claim 16 to include the recitation of Claim 17. As such, previously rejected Claims 16, 18, 25, 26 and 32 are also all directed to subject matter that was indicated as allowable and are in condition for allowance. Applicant has also amended Claims 10 and 35 overcome the "antecedent basis" rejections under 35 U.S.C. § 112, and has changed the dependency of Claim 15 to overcome the objection. Applicant has also added a new Claim 36, which depends from allowed Claim 28. Based on these amendments, Claims 6-9, 11-13, 15-16, 18-23, 25-26, 28-29 and 31-36 are now all directed to subject matter that was indicated as allowable and are in condition for allowance. In addition, Claims 2, 4 and 10 are directed to subject matter that was indicated as allowable in the Office Action. Claims 3, 5, 14, 17, 24, 27 and 30 have been cancelled (either previously or in the current amendment). As such, Claim 1 is the only pending claim that is not directed to subject matter that was identified as allowable in the June 1, 2006 Office Action.

II. The Rejections Under 35 U.S.C. § 112

Claim 10 stands rejected under 35 U.S.C. § 112, ¶ 2 as being indefinite based on the term "cutout portion" lacking antecedent basis. Claim 10 has been amended to correct this informality and overcome the rejection. Claim 35 also stands rejected under 35 U.S.C. § 112, ¶ 2 as being indefinite based on the term "the cavity" lacking antecedent basis. Claim 35 has

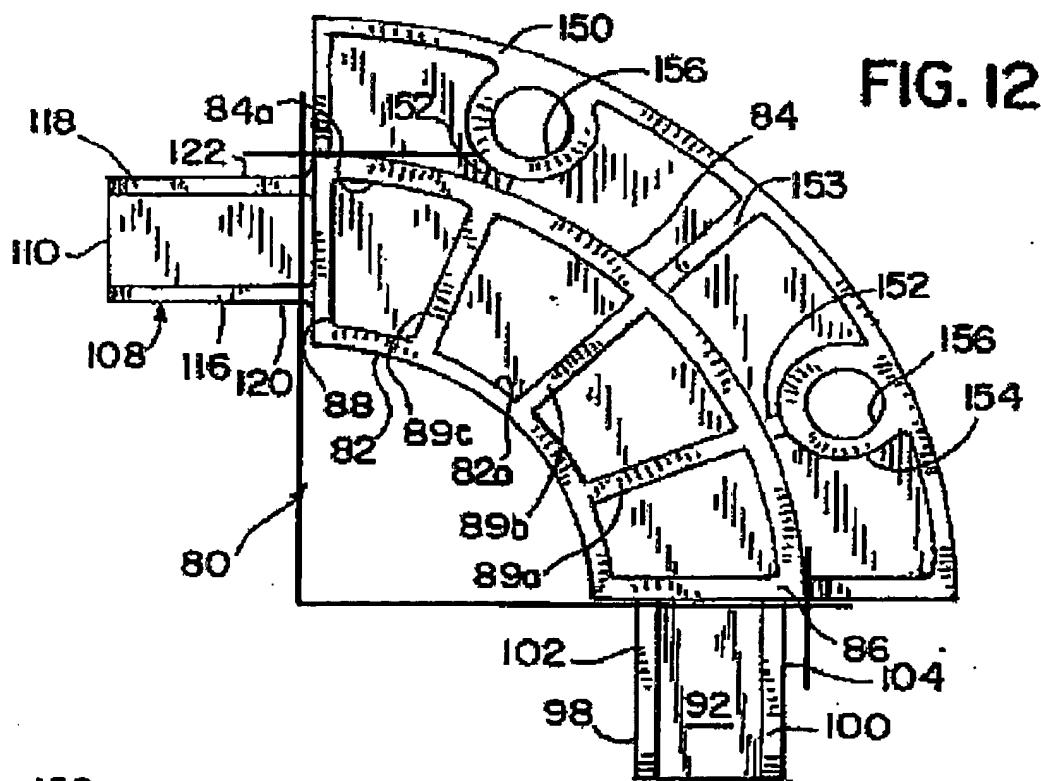
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been amended to depend from Claim 33, thereby providing the requisite antecedent basis and overcoming this rejection.

III. The Rejection of Claim 1 Under 35 U.S.C. § 102

Independent Claim 1 stands rejected as anticipated under 35 U.S.C. § 102 by U.S. Patent No. 5,947,037 to Hornberger et al. ("Hornberger"). In particular, the Office Action states that Hornberger at FIGS. 2, 7 and 12 discloses a corner protector 80 that includes, among other things, a generally planar inner wall 82 that is spaced apart from a generally parallel outer wall 84. (Office Action at 3). The Office Action also states that the term "generally" in the "generally planar inner wall" and "generally planar outer wall" recitations of Claim 1 is broad enough that the alleged inner and outer walls of Hornberger meet these claim recitations. Applicant respectfully traverses this rejection.

Applicant has reproduced FIG. 12 of Hornberger below with bold reference lines superimposed thereon.



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As the bold reference lines that have been added to FIG. 12 show, outer wall 84 bends as it moves to the left of FIG. 12 so that the left side of outer wall 84 meets sidewall 88 at an angle that asymptotically approaches 90 degrees. Outer wall 84 likewise bends as it moves to the right in FIG. 12 so that the right side of outer wall 84 meets sidewall 86 at an angle that asymptotically approaches 90 degrees. As can also be seen from the bold reference lines, sidewalls 86 and 88 are arranged orthogonally to each other.

As should be clear from the above discussion, outer wall 84 of the device of Hornberger smoothly curves as it moves through an angle of 90 degrees. A planar wall is a wall that resides in a single plane – i.e., it does not move through any angle (an angle of zero degrees). While Applicant concedes that the word "generally" in Claim 1 broadens Claim 1 to cover walls that move through a relatively small angle, Applicant respectfully submits that no reasonable interpretation of the phrase "generally planar wall" could possibly encompass a wall that curves through an angle of 90 degrees. Therefore, it is clear that the product of Hornberger does not include "generally planar" outer and inner walls and, as such, the rejection of Claim 1 as anticipated by Hornberger should be withdrawn.

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IV. Conclusion

Inasmuch as the points and concerns raised in the Office Action have been addressed in full, Applicant respectfully requests that this application is in condition to pass to issue, which action is respectfully requested. Should the Examiner have any matters of outstanding resolution, he is encouraged to telephone the undersigned at 919-854-1400 for expeditious handling.

Respectfully submitted,

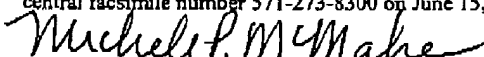


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CERTIFICATION OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office via the central facsimile number 571-273-8300 on June 15, 2006.


Michele P. McMahan